



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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May 10, 2004

In Reply Refer To:
6840 (CA930)P

EMS TRANSMISSION: 5/10/04
Information Bulletin **No. CA-2004-040**

To: District Manager, California Desert

From: State Director

Subject: Proposed Rule to Designate Critical Habitat for the Arroyo Toad **DD: 5/25/04**

On April 28, 2004, the Fish and Wildlife Service (Service) published a notice (*Federal Register* 69:23254-23328) proposing critical habitat for the arroyo toad (*Bufo californicus*). (See Attachment 1.) The proposed rule solicits information on several topics, including the reasons why any areas should or should not be designated as critical habitat and the potential economic impacts such designation may have on affected interests, particularly small entities. Of the 138,713 acres of proposed critical habitat for this species, 1,475 acres are administered by BLM. Of these BLM administered lands, 27 acres are in Los Angeles County, 117 acres are in San Bernardino County, 1,047 acres are in Riverside County, and 284 acres are in San Diego County.

The current arroyo toad critical habitat proposal stems from a legal challenge to the Service's February 2001 final rule designating critical habitat for this species. In response to a lawsuit, the U.S. District Court for the District of Columbia set aside the original critical habitat designation. The Court also directed the Service to re-propose critical habitat and prepare a new economic analysis that identifies the impacts associated with the proposal.

A search on the electronic file for the proposed rule revealed some overlap of BLM administered land with the following proposed critical habitat units:

- Unit 6, Upper Santa Clara River Basin (Los Angeles County)
- Unit 13, Upper Santa Margarita River Basin (Riverside, and San Diego Counties)
- Unit 19, Cottonwood Creek Basin (San Diego County)
- Unit 22, Upper Mojave River Basin (San Bernardino County)
- Unit 23, Whitewater River Basin (Riverside County)

The overlap of public land with proposed critical habitat in Unit 6 consists primarily of the mineral estate BLM administers in Soledad Canyon.

Please review the proposed rule, and associated maps, and advise CA-930 (Attn: Ed Lorentzen) if you have comments or suggestions regarding the proposed critical habitat boundaries, or any other aspects of the proposed rule. The deadline for submitting comments to the Service is May 28, 2004. Please provide us with your comments, if any, in electronic format by the close of business May 25, 2004. The State Office has a GIS file that depicts proposed arroyo toad critical habitat. Contact Ed Lorentzen if you would like information on how to access that GIS file.

Now that critical habitat has been proposed for this species, the conference requirements of Section 7(a)(4) of the Endangered Species Act and its implementing regulations at 50 CFR 402.10 are applicable to any BLM actions likely to cause the destruction or adverse modification of proposed critical habitat. Additionally, the guidance in Manual Section 6840.06B1 calls for BLM to confer with the Service "... on any action that is likely to adversely affect a proposed species or proposed critical habitat." Any outstanding requests for formal consultation with the Service involving this species should be updated to include conference on proposed critical habitat.

Questions regarding this proposed rule may be directed to Ed Lorentzen at (916) 978-4646.

Signed by:
James Wesley Abbott
Associate State Director

Authenticated by:
Richard A. Erickson
Records Management

Attachment

1 - Proposed Rule to Designate Critical Habitat for the Arroyo Toad (76 pp.)

Distribution

CA-920 (Attn: Leroy Mohorich)
CA-610 (Attn: Larry LaPre)
CA-660 (Attn: Elena Misquez)
CA-670 (Attn: Greg Thomsen)
CA-680 (Attn: Roxie Trost)
WO-230, MS 204 LS (Attn: Peggy Olwell)